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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL FALLINE on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CORECIVIC OF TENNESSEE, LLC; and
DOES 1-50,

Defendant.

Case No.: 2:21-cv-01802-CDS-BNW

**STIPULATION TO EXTEND STAY
PENDING FURTHER SETTLEMENT
DISCUSSIONS AND ORDER
THEREON**

ANTHONY TURNER on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CORECIVIC OF TENNESSEE, LLC; and
DOES 1-50,

Defendant.

The Parties in this case, Plaintiff MICHAEL FALLINE (“Plaintiff Falline”) by and through his counsel of record, HODGES & FOTY LLP, THE LAZZARO LAW FIRM, LLC, and NILGES DRAHER LLC, along with Plaintiff ANTHONY TURNER (“Plaintiff Turner”) by and through his counsel of record, THIERMAN BUCK, LLP, and Defendant CORECIVIC OF TENNESSEE, LLC (“CoreCivic”), by and through their counsel of record, LITTLER MENDELSON, P.C., hereby request and stipulate an extension of the Stay in these related cases ordered in Case No. 2:22-cv-00775 (“Turner Case”) at ECF No. 30, pending further early settlement discussions (“Stay”)¹.

¹ On July 21, 2022, Plaintiff Michael Falline and Plaintiff Anthony Turner filed and the Court granted an Unopposed Motion to Consolidate and Transfer their two similar actions against Defendant CoreCivic of Tennessee, LLC (“CoreCivic”). *See* Case No. 2:21-cv-01802 (“Falline Case”) ECF No. 32-33, and Case No. 2:22-cv-00775 (“Turner Case”) ECF No. 23; 27.

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The purpose of the Stay is to promote judicial economy and allow this court to more effectively control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and the litigants. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *Pate v. DePay Orthopedics, Inc.*, 2012 WL 3532780, at * 2 (D. Nev. Aug. 14, 2012) (“A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.”), *citing Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979).

The Parties participated in mediation on October 11, 2022, with Mediator Carole Katz in an attempt to resolve all claims in this action. At the conclusion of the mediation session on October 11, 2022, the parties agreed to keep the mediation open and continue engaging in meaningful dialogue and to continue to explore the possibility of early resolution through negotiation communications. Therefore, and in light of the parties’ efforts to continue negotiations up through the holiday season, the Parties request an additional seventy-five (75) calendar days to continue settlement negotiations (“Stay period”). Accordingly, upon the expiration of the extended Stay period:

1) Should the Parties reach a settlement, the parties shall file their motion for approval of the settlement by no later than the date of expiration of the stay.

2) Should the Parties be unsuccessful at resolving all claims, the Parties shall set forth an updated proposed discovery plan and scheduling order.

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Accordingly, the Court designated Plaintiff Falline’s case as the lead case for purposes of the consolidation. *See* Falline Case ECF No. 33. The Court also ordered that “all future filings in these cases shall be filed in the lead case.” *Id.*

This Stipulation is made in good faith and not for the purposes of undue burden or delay.

IT IS SO STIPULATED:

Dated this 26th day of October 2022

Dated this 26th day of October 2022

THIERMAN BUCK, LLP

LITTLER MENDELSON, P.C.

/s/ Leah L. Jones

/s/ Christian A. Angotti

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ORDER

IT IS HEREBY ORDERED that the parties' Stipulation and Order to extend the Stay for seventy-five (75) calendar days in the above captioned matter is **granted**.

IT IS FURTHER ORDERED that the parties will submit a Joint Status Report no later than seventy-five (75) calendar days from the entry of this Order to inform the court if the parties have come to an early resolution.

1) Should the parties reach a settlement, the parties shall file their motion for approval of the settlement by no later than the date of expiration of the stay.

2) Should the parties be unsuccessful at resolving all claims, the parties shall set forth an updated proposed discovery plan and scheduling order.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: November 1, 2022